

DE 03-030

CONNECTICUT VALLEY ELECTRIC COMPANY
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Application for Approval of Settlements and Related Transactions
Related to Implementation of Restructuring in the Area Served by
Connecticut Valley Electric Company, Inc.

Order of Clarification

O R D E R N O. 24,184

June 19, 2003

I. BACKGROUND/PROCEDURAL HISTORY

On June 4, 2003, Connecticut Valley Electric Company (CVEC) filed a motion with the New Hampshire Public Utilities Commission (Commission) seeking clarification of Order No. 24,176, entered in this docket on May 23, 2003. In Order No. 24,176, the Commission approved a proposal whereby Public Service Company of New Hampshire (PSNH) would acquire the utility franchise and substantially all of the assets of CVEC, in a transaction scheduled to close on January 1, 2004.

Among the conditions to the transactions as proposed was Commission acceptance of a proposed Stipulation of Settlement entered into in 2002 by certain parties to Docket No. DE 00-110, concerning overcharges paid by CVEC to Wheelabrator Claremont, Inc. (Wheelabrator), a waste-incinerating cogenerator located in the CVEC service territory. In Order No. 24,176, the Commission explicitly adopted this aspect of the proposed CVEC-PSNH franchise and asset transactions. The issue as to which CVEC seeks clarification is whether the Stipulation of Settlement in

Docket No. DE 00-110 may be implemented immediately or must await the actual transfer of franchise and assets from CVEC to PSNH.

Beyond seeking instructions from the Commission, CVEC did not take a position with respect to the timing for implementing the Stipulation of Settlement in Docket No. DE 00-110. CVEC indicated that the Office of Consumer Advocate was neutral with respect to the timing issue. On June 5, 2003, the Commission received a letter indicating that the Governor's Office of Energy and Community Services (ECS) and the City of Claremont believed that the Stipulation of Settlement should not be implemented prior to the closure of the CVEC-PSNH transactions. New Hampshire Legal Assistance adopted this view as well, by letter received on June 9, 2003.

Working on Waste, whose opposition to the Stipulation of Settlement in Docket No. DE 00-110 was the mainstay of its position in the instant proceeding, did not make a filing in response to the CVEC motion. On June 6, 2003, Wheelabrator transmitted an electronic communication to the Staff of the Commission indicating that Wheelabrator believes the Stipulation of Settlement should be implemented immediately. However, the Commission has not considered this pleading because it was not properly filed pursuant to Puc 202.07 (requiring paper filing of pleadings).

II. COMMISSION ANALYSIS

Order No. 24,176 did not approve the Stipulation of Settlement in Docket No. DE 00-110 on a stand-alone basis but, rather, as one component of a series of transactions involving CVEC, PSNH and other entities that were determined to be for the public good. Accordingly, we clarify that it was our intention in Order No. 24,176 to authorize the implementation of the Stipulation of Settlement only upon closure of the franchise and asset transfers.

Additionally, we take this opportunity to address on our own motion an issue raised by CVEC at the May 15, 2003 hearing in this docket. At hearing, CVEC asked whether it could provide to PSNH certain billing data with respect to CVEC's customers prior to the assumption by PSNH of the CVEC utility franchise. CVEC indicated that the sharing of this information would promote the objective, from the standpoint of CVEC's customers, of a seamless transition to service from PSNH. Now that we have approved PSNH's acquisition of the CVEC franchise, we agree with CVEC that it is in the public interest to authorize CVEC to share this information with PSNH, provided that both CVEC and PSNH otherwise continue to treat this information as they normally would treat confidential customer information.

These clarifications effect no substantive changes to the determinations made in Order No. 24,176. Accordingly, it has no effect with respect to the deadline for any motions to rehear Order No. 24,176 that may be filed pursuant to RSA 541:3.

Based upon the foregoing, it is hereby

ORDERED, that Order No. 24,176 is clarified as set forth fully above.

By order of the Public Utilities Commission of New Hampshire this nineteenth day of June, 2003.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Debra A. Howland
Executive Director & Secretary